

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

F'REAL FOODS, LLC and)
RICH PRODUCTS CORPORATION,)
)
Plaintiffs,)
)
v.) C.A. No. 16-41 (CFC)
) CONSOLIDATED
) REDACTED - PUBLIC VERSION
HAMILTON BEACH BRANDS,)
INC., HERSHEY CREAMERY)
COMPANY and PAUL MILLS d/b/a)
MILLS BROTHERS MARKETS,) Original Filing Date: September 23, 2019
) Redacted Filing Date: October 16, 2019
Defendants.)

**DECLARATION OF MICHAEL J. FLYNN IN SUPPORT OF
PLAINTIFFS' MOTION TO DECLARE THIS CASE EXCEPTIONAL AND
AWARD ATTORNEYS' FEES PURSUANT TO 35 U.S.C. § 285**

I, Michael J. Flynn, declare as follows:

1. I am a partner at Morris, Nichols, Arsht & Tunnell LLP in Wilmington, Delaware. I am counsel for f'real Foods, LLC and Rich Products Corporation ("Plaintiffs") in this action.

2. Attached as Exhibit 1 are excerpts from the Trial Transcript, Vol. 3 (May 1, 2019) in this case.

3. Attached as Exhibit 2 is a letter from Guy W. Chambers, Esq., counsel for Plaintiffs, to William S. Foster Jr., Esq. and Mark Zhai, Esq., counsel for Defendants, dated December 2, 2015.

4. Attached as Exhibit 3 are excerpts from the Trial Transcript, Vol. 1

(April 29, 2019) in this case.

5. Attached as Exhibit 4 is a post that was posted on Yogurtland's blog on December 29, 2017, describing the BIC2100YL blender.

6. Attached as Exhibit 5 is Defendant Hamilton Beach Brands, Inc.'s sales revenues for the BIC2100YL blender.

7. Attached as Exhibit 6 is PTX 7, "HBB Business Case Summary" for "Blend in Cup – Cornelius," redacted.

8. Attached as Exhibit 7 are excerpts from the Deposition Transcript of Brian P. Williams (December 13, 2017) in this case.

9. Attached as Exhibit 8 is PTX 8, "HBB Business Case Summary" for "Blend in Cup – Cornelius," un-redacted.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 23rd day of September, 2019 in Wilmington, Delaware.



Michael J. Flynn (#5333)